

Overview of Changes from NCLB to ESSA

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Agenda

- ESSA Regulations, and Guidance
- Definitions
- Program Specific Changes
- U.S. Department of Education Regulations and Guidance
- Where Are We Now?
- What Can We Expect Going Forward?

The Road to ESSA

- 14 year reauthorization process involving:
 - 2 presidents
 - 5 committee chairmen
 - More than half a dozen major drafts



ESSA Becomes Law



“This is an early Christmas present. After more than 10 years, members of Congress from both parties have come together to revise our national education law. A Christmas miracle: A bipartisan bill signing right here.”

- President Barack Obama’s remarks at ESSA signing ceremony, December 10, 2015

Status of ESSA Regs and Guidance

- **Final Academic Assessments**
 - Effective January 9, 2017
- **Final Innovative Assessment Demonstration Authority (followed by Notice Inviting Applications)**
 - Effective January 9, 2017
- ~~Final Accountability and State Plans~~ **(Repealed by CRA)**
- **Final Impact Aid**
 - Effective April 1, 2017
- ~~Draft SNS Regulations~~ **(Withdrawn by USDE on January 19, 2017)**

ESSA Guidance

- Foster Care Guidance (6/23/16)
- Dear Colleague Letter re: Stakeholder Engagement (6/23/16)
- Homeless and Youth Programs (7/27/16) – *Updated March 2017*
- Title III, A English Learners (9/23/16)
- Using Evidence to Strengthen Education Investments (9/16/16)
- Dear Colleague Letter re: Tribal Consultation (9/26/16)
- Title II, A Teachers and School Leaders (9/27/16)
- Schoolwide Programs and Funding (9/29/16)
- Early Learning Guidance (10/20/16)
- Title IV, A Student Support and Academic Enrichment (10/21/16)

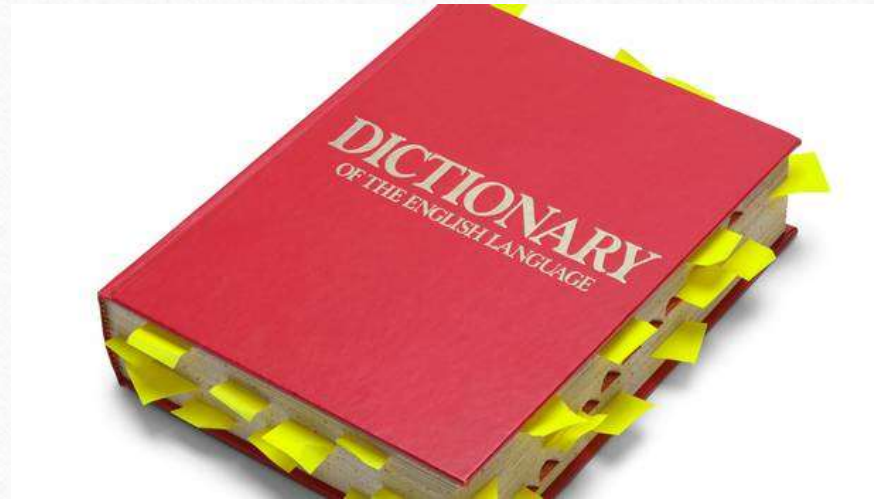
ESSA Guidance

- Fiscal Changes (including Equitable Services and SNS (11/21/16)
 - ~~State Assurance Template and Template for Consolidated State Plan (11/30/16)~~ – Revised Consolidated State Plan Template (3/13/17)
 - Consolidated State Plan Guidance - Updated (3/13/17)
 - State and Local Report Cards (01/10/17)
 - High School Graduation Rate (01/10/17)
 - ESSA Dear Colleague letter on 2017-18 Transition (1/13/17)
 - Accountability FAQs (1/18/17)
 - Resource Guide: Accountability for ELs (1/18/17)
 - ESSA Early Learning Guidance (1/17/17)
 - Dear Colleague Letter re: per pupil reporting (6/28/17)
 - Title I A LEA Homeless Set Aside(7/30/18)
 - Dear Parent Letter on ESSA Flexibilities (10/4/18)
- Available at: <http://www.ed.gov/essa>

Forthcoming Guidance from ED?

- Supplement, Not Supplant
 - ED “still working” to develop guidance
 - No timeline for completion
- No other major ESSA guidance/regulations expected
- More focus on higher education regulations at ED
 - Administration’s effort to reduce regulatory burden, reorganize agencies

Changes to Definitions: NCLB → ESSA



Changes to Definitions: NCLB → ESSA

“Core academic subjects” → “well rounded education” (Sec. 8101(52))

- English, reading or language arts, writing
- Science, technology, engineering mathematics
- Computer science
- Foreign languages
- Civics and government
- Economics
- History, geography
- Arts, music
- Career and technical education
- Health, physical education
- Others as designated by State/LEA

Changes to Definitions: NCLB → ESSA

- Scientifically based research → Evidence based research (Sec. 8101(24))
- Means an activity, strategy, or intervention that:
 - Demonstrates a statistically significant effect on improving student outcomes
 - Strong evidence from at least 1 well-implemented experiment;
 - Moderate evidence from at least 1 quasi experience; or
 - Promising evidence from a correlational study with statistical controls for selection bias; or
 - Demonstrates high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and
 - Includes ongoing efforts to examine the effects of the activity.

Title I, Part A



Title I, A Basics

- Title I, Part A is a state-administered program
 - ED grants funds to state based on statutory formulas
 - State grants funds to LEAs based on statutory formula
 - LEA allocates funds to schools based on ranking and serving
- Allocations to State and LEAs are based on poverty levels
- 1% cap on State administrative funds remains

School Improvement Funds 1003(b)-(d)

➤ (NEW) Mandatory School Improvement Funds Sec. 1003

- SEA reserves 7% for School Improvement
- 95% for subgrants to LEAs - Formula or Competitive Basis
- Subgrants are for no more than 4 years (may include planning year)
- To implement comprehensive and targeted support and improvement activities.
- Services may be provided directly by SEA with approval of the LEA

School Improvement Funds (cont.) 1003(f)

- States are permitted to award grants to:
 - a statewide school district,
 - consortium of LEAs, or
 - Educational service agencies serving schools implementing improvement activities if such entities are legally constituted or recognized as LEAs.
- SEAs must give priority to LEAs that:
 1. Serve high numbers, or a high percentage of, elementary and secondary schools in improvement
 2. **Demonstrate the greatest need** for such funds, as determined by the State; and
 3. **Demonstrate the strongest commitment** to using funds under this section to enable the lowest-performing schools to improve student achievement and student outcomes.

School Improvement Funds (cont.) 1003(b)-(c)

- Remaining Funds are used by the SEA to:
 - Ensure allocations represent the geographic diversity of the State
 - Ensure that allotments are of sufficient size to enable a LEA to effectively implement selected strategies;
 - Monitor and evaluate the use of funds by LEAs; and
 - Reduce barriers and provide operational flexibility for schools in the implementation of improvement activities.

Direct Student Services 1003A

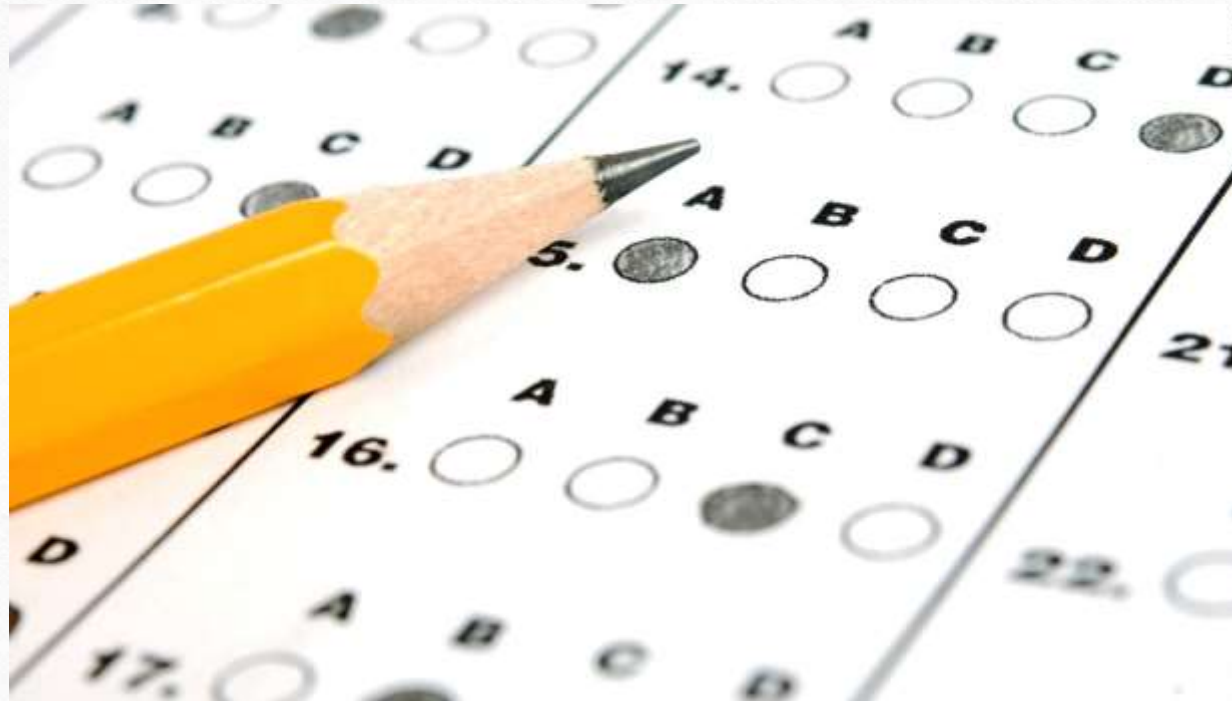
- (NEW) **Optional** 3% set-aside for Direct Student Services
 - 1% of that 3% for State Administration (1003A(a)(2))
 - Remainder subgranted to LEAs, with priority to LEAs with high percentage of schools identified for comprehensive or targeted support
 - To provide funds to schools identified under ESSA
 - Consultation with LEAs

Direct Student Services (cont.) 1003A

(NEW) If the SEA takes the set-aside, the State must:

- Compile and maintain and updated list of State-approved high-quality academic tutoring providers that:
 - Developed using fair negotiation, rigorous selection; offers a range of tutoring models (online, etc.); and includes demonstrated record of success, etc.
- Ensure LEAs provides an adequate number of high-quality academic tutoring options to provide meaningful choice to parents (if elected by LEA)
- Develop procedures for monitoring the quality of services provided; and
- Establish and implement clear criteria for removal if the provider is unsuccessful (including removal).

Standards and Assessments Sec. 1111



State Adoption Sec. 1111

- States must provide an assurance that they have adopted challenging academic content standards and aligned academic achievement standards
 - Must:
 - Be the same for all public schools in the State
 - Expect the same level of achievement from all schools
 - Be aligned with entrance into credit-bearing coursework at State institutions of higher education, and relevant CTE standards
 - State standards are NOT subject to review by U.S. Department of Education

State Adoption (cont.) Sec. 1111

- States must implement assessments aligned with standards in math, reading, and science
 - Math, reading assessments must be given in each of grades 3-8 and once in high school
 - Science assessment must be given at least once in each grade-span of 3-5, 6-9, and 10-12
- (NEW) ESSA does not prohibit ED from requiring peer review of assessments
 - In subsequent guidance, ED has made clear it will continue peer review process for foreseeable future

English Language Assessments

- (NEW) State must also adopt assessments of English language proficiency
 - Conduct annual assessment of all ELs in English proficiency
 - Must be aligned to State EL proficiency standards
 - Identify languages present to a significant extent and note where native-language assessments are not available but are needed

Alternate Assessments Sec. 1111(b)

- (NEW) 1% limitation on use of alternate assessments
 - Limit is at the State level
 - Neither ED nor SEA can impose LEA-level cap
 - LEAs are encouraged to stay below 1% threshold
 - LEAs must provide notice and justification to SEA if they exceed 1%
 - Enforcement authority/obligation is at State level
- (NEW) Subject to waiver authority under Sec. 8401
- (NEW) All other alternate or modified assessments are prohibited (*previously prohibited by regulation*).

Measuring Achievement

- Assessment systems must enable disaggregation by:
 - Each major racial and ethnic group
 - Economically disadvantaged students
 - Students with disabilities
 - English proficiency status
 - Migrant status
 - Gender
- NOTE: additional disaggregation required for Title III and for State/local report cards
- NOTE: accountability not based on achievement by migrant status or gender

Accountability Sec. 1111(b)-(c)

5. School Quality

- At least one “valid, reliable, comparable, and Statewide” indicator of school quality, which may include:
 - Student access to and completion of advanced coursework; Postsecondary readiness; School climate and safety; Student engagement; Educator engagement; etc.

5. Other factors as determined by the State

State Plans Sec. 1111

Consultation with key stakeholders;

- Governor, State legislator, State Board, LEAs, Indian Tribes, School personnel, Charter leaders, Parents
- State plans must be peer-reviewed
 - List must be public; same reviewers cannot review all plans;
 - Emphasis on practical experience of reviewers; and
 - Respect to State and local judgements.

State Plans Sec. 1111

- State plans must be approved within 120 days unless Secretary presents research which demonstrates it does not meet req.
 - Must notify State of rejection, provide opportunity to revise and resubmit, public hearing
 - Changes to State plans subject to approval/disapproval within 90 days (no peer review)
- States must provide an assurance that they have adopted:
 - Challenging academic content standards and aligned academic achievement standards (referred to in this Act as ‘challenging State academic standards’)
- (NEW) How the State will comply with assessment requirements:
 - Steps to support early education programs
 - How low-income and minority students are not served at disproportionate rates by underqualified teachers (and plans for addressing this)

State Plan Status

- All State Plans approved by Betsy DeVos
- Arizona State Plan:
 - Goals:
 - Gaps between 90% proficiency and baseline proficiency for all students and subgroups cut at least in half by 2027-2028 school year;
 - All students to hit at least 90% proficiency on State ELA/Math exams by 2039-2040;
 - 90% graduation rate for four-year adjusted cohort rate by 2030



Accountability Sec. 1111(b)-(c)

- **(NEW)** States must develop an accountability system of “Annual Meaningful Differentiation” that rates schools based on metrics including:
 - 1. Academic Achievement**
 - For all public schools - based on long term goals that measure proficiency on statewide assessments in reading, language arts, math; May also include student growth (for high schools)
 - 2. Academic Progress**
 - For K-8, growth or other indicator
 - 3. Graduation Rates**
 - For high schools - May include extended-year adjusted cohort graduation rate
 - 4. Progress in Achieving English Language Proficiency**

Schoolwide Schools Sec. 1114



Schoolwide Requirements Sec. 1114(a)(1)-(2)

- Consolidate and use funds, together with other federal, state, and local funds to upgrade the entire educational program of a school
- Pre-requisite: 40% poverty
 - (NEW) State may waive (previously waivable only by the Secretary, Secretary may still waive under Sec. 8401).
- Not required to identify:
 - Eligible students; or
 - Individual services as supplemental.

Schoolwide Use of Funds Sec. 1114(c) and (e)

(NEW) SW funds may be used for:

- Preschool Programs; and
- Dual or Concurrent Enrollment:
 - Training for teachers;
 - Professional Development;
 - Tuition and fees, books, required instructional materials, innovative delivery methods; and
 - Transportation.
- (NEW) Services may be delivered by non-profit or for profit third party servicers.

Comprehensive Support and Improvement Sec. 1111

Identification of Schools Sec. 1111(c)(4)(D)

- (NEW) Two levels of improvement
 1. Targeted Support and Improvement
 2. Comprehensive Support and Improvement

Targeted Support and Improvement Sec. 1111(d)(2)

- (NEW) Each SEA must:
 - Notify each LEA of any school in which any subgroup of students is consistently underperforming; and
 - Ensure the LEA provide notification to the school re: subgroup(s) identification.
- Applies to all public schools, not only Title I schools
- State defines “consistently underperforming”

Targeted Support and Improvement Sec. 1111(d)(2)

- (NEW) Each SEA must:
 - Notify each LEA of any school in which any subgroup of students is consistently underperforming; and
 - Ensure the LEA provide notification to the school re: subgroup(s) identification.
- Applies to all public schools, not only Title I schools

Comprehensive Support and Improvement 1111(c)(4)(D)

- (NEW) States must establish a methodology for identifying schools for comprehensive support that must include:
 1. At least the **lowest performing 5% Title I schools**;
 2. **All public high schools** in the State failing to graduate 1/3 or more of their students; and
 - At SEA discretion this may include an extended year adjusted graduation rate
 3. **Title I schools** in which any subgroup, on its own, would be identified as lowest-performing 5% (previously identified for targeted support) and has not improved.
 - These are Title I schools previously identified for targeted support and improvement that failed to improve and have a subgroup performing at lowest 5%.
- State may add additional state-wide categories

Continued Support and Improvement

Sec. 111(d)(3)

- (NEW) The State must:
 - Establish statewide exit criteria;
 - For schools identified for comprehensive support:
 - If exit criteria is not satisfied after a number of years (not to exceed 4 years) the State must apply more rigorous interventions;
 - *such as the implementation of interventions (which may include addressing school-level operations);*

Continued Support and Improvement

Sec. 111(d)(3)

- (NEW) The State must (cont.):
 - Establish statewide exit criteria;
 - For schools identified for targeted support:
 - Title I schools: If the exit criteria is not satisfied after a number of years (determined by the State) shall result in the identification of the school for comprehensive support.
 - Non-Title I schools: ??
 - State discretion
 - The State must also periodically review resource allocation and provide technical assistance to LEAs serving significant identified schools

Public School Choice Sec. 1111(d)(1)(D)

(NEW) An LEA may provide all students enrolled in an identified school the option to transfer to another public school.

- Priority given to lowest-achieving children from low income families.
 - Remain in that school until he/she has completed the highest grade
- LEA must provide sufficient number of options to provide a meaningful choice for parents.

Participation of Children Enrolled in Private Schools Sec. 1117



Consultation

Sec. 1117(a)(1)

- LEA must provide “timely and meaningful” consultation
- Timely
 - Before the LEA makes any decisions
- Meaningful
 - Genuine opportunity for parties to express their views
 - Views seriously considered
- The goal of all parties should be to reach an agreement, that agreement must be sent to the Ombudsman.
- **Written affirmation** that timely and meaningful consultation occurred
 - (NEW) Must include option that it did not !

Ombudsman

Sec. 1117(a)(3)(B)

- (NEW) To help ensure equity, the SEA shall designate an ombudsman (an official) to monitor and enforce these requirements.
- After consultation –agreement to be forwarded to ombudsman.

Fiscal Rules



Ranking and Serving

Sec. 1113(a)(3)

- Must Rank First and Serve
 - Schools exceeding 75% poverty
 - Strictly by poverty without regard to grade span
 - (NEW) May include high schools w/poverty 50% or above
- Then Rank and May Serve
 - Schools at or below 75% poverty
 - May rank by grade span or strict poverty
 - *Serve strictly in order of rank!*
 - *Discretion on amount of PPA*
 - Higher PPAs must be in higher schools on ranked list

ESSA Title I, A SNS Sec. 1118(b)(2)

- (NEW) To demonstrate compliance:
- The LEA shall demonstrate that the methodology used to allocate State and local funds to each Title I school ensures that the school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds.
 - Similar to prior SW standard

ESSA Title I, A SNS Sec. 1118(b)(3)-(4)

- (NEW) No LEA shall be required to:
 - Identify individual costs or services as supplemental; or
 - Provide services through a particular instructional method or in a particular instructional setting to demonstrate compliance.
- (NEW) The Secretary may not prescribe the specific methodology a LEA uses to allocate State and local funds to each Title I school.

Maintenance of Effort Sec. 1118(a) & 8521

- The combined fiscal effort per student or the aggregate expenditures of the LEA
- From state and local funds
- From preceding year must not be less than 90% of the second preceding year.

MOE Consequences 8521(b)

- SEA must reduce amount of allocation in the exact proportion by which LEA fails to maintain effort below 90%.
 - Calculate using total expenditures and per pupil
 - The amount of the reduction would be the lesser penalty of the two calculations.

MOE Consequences Sec. 8521(b)

(NEW) LEA is not subject to sanctions for failing to maintain 90% effort for one year (either combined fiscal per student or aggregate State and agency expenditures) provided it has not failed to meet MOE for one or more of five immediately preceding fiscal years.

MOE Waiver Sec. 8521(c)

Secretary of Education may waive MOE if “equitable”:

- Exceptional or uncontrollable circumstances, such as a natural disaster; or
- (NEW) a change in the organizational structure of the LEA; or
- A precipitous decline in the financial resources of the LEA.

Title II, A



Title II, A State Grants, Sec. 2101(c)

- State grants
 - 1% for administration
 - 95% for subgrants
 - 4% State activities
 - 75% (or 3% of State grant) may be used for subgrants to LEAs for State activities
- State activities include:
 - Reforming certification/licensure/ tenure systems,
 - Technical assistance,
 - Improve equitable access to effective teachers,
 - Programs that establish, or improve alternative routes for state certification, etc.

Title II, A Guidance

- Encourages States and districts to use Title II funds to make sure students have access to effective teachers, e.g. through:
 - Bonuses, pay raises, and other perks to attract high-quality teachers to high-needs schools
 - Extra pay to teachers who teach in high-needs subjects, or teach special populations, such as English-language learners
 - Creating "co-teaching" classrooms in high-needs schools, where beginning teachers work alongside a more experienced educator
 - Addressing working conditions in high-needs schools

Title III, A



Title III, A Major Changes

- Moves accountability provisions to Title I
- Replaces references to “limited English proficient” with references to “English Learners” throughout

Reporting

- Must report on number and percentage of ELs
 - Meeting State-determined long-term goals
 - Disaggregated by disability
 - Attaining English proficiency
 - Meeting challenging State academic standards for 4 years after exiting EL status
 - Disaggregated by disability

Title III, A Guidance

- Reiterates civil rights laws applicable to ELs
- Emphasis on Title III funds meant for purposes beyond meeting civil rights obligations
- “The new inclusion in Title I of the EL activities... makes it clear that ELs are a crucial part of Title I funded programs.”

Supplement Not Supplant

Sec. 3115(g)

- Title III Federal funds made must be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

Title IV, A



Title IV, A State Innovation and Local Flexibility

- New block grant-type program
- Formula granted to States based on share of Title IA
 - State may reserve up to 1% for administration, 4% for State activities
- Subgranted to LEAs based on share of Title IA from previous year
 - Minimum awards of \$10,000 (can reallocate if not enough funds to meet the minimum)

Title IV, A Guidance

- LEA may spend up to 2% on administration
- For LEAs that receive \$30,000 or more must spend:
 - At least 20% of funds on at least one “well-rounded educational opportunities” activity
 - At least 20% on at least on “safe and healthy students” activity
 - Some portion funds to support effective use of technology
 - No more than 15% of that remaining amount on technology infrastructure

For LEAs that received less than \$30,000:

- May pick one of the above areas re: minimum spending

LEAs that receive more than \$30,000 must conduct a comprehensive needs assessment

Student Support and Academic Enrichment Grants

- “Well-rounded educational opportunities” activities include (Sec. 4107):
 - Career and college counseling/guidance
 - Arts and music programs that promote problem solving and conflict resolution
 - STEM programming and activities
 - Accelerated learning
 - History, civics, economics, geography, foreign language, and environmental education
 - Community involvement

Student Support and Academic Enrichment Grants

- “Safe and Healthy Students” activities include (Sec. 4108):
 - Drug and violence prevention
 - School-based mental health services
 - Health and safety practices in school/athletics
 - Physical/nutrition education
 - Bullying and harassment prevention
 - Relationship-building schools
 - Dropout prevention and re-entry
 - Training for school personnel in drug, violence, trafficking, and trauma

Student Support and Academic Enrichment Grants (cont.)

- “Effective use of technology” may include (Sec. 4109):
 - Professional learning tools, technology, devices, and content for adaptive learning programs
 - Building technological capacity
 - Developing strategies for use of digital learning technologies
 - Blended learning projects
 - Professional development
 - Remote access for students in rural/remote/ underserved areas

ESSA Funds for Firearm Purchases?

- Reported that Secretary DeVos considering whether to allow States, districts to use Title IV-A funds to purchase firearms
- Significant pushback from some advocates, Democratic lawmakers
 - May try to add rider to appropriations bill preventing such purchases?
- No specific language prohibiting it
- In letter to Congress, Secretary DeVos says she has “no intention of taking any action concerning the purchase of firearms or firearms training for school staff under the ESEA...”
 - Bottom line message: this is a State and local decisions

ESSA Flexibility



Consolidated Administration Sec. 8203(a)-(d)

The LEA may consolidate any amounts specifically made available to it for LEA admin under one or more of the ESSA programs.

- Uses of Funds: The LEA shall use funds for the administration of the programs included in the consolidation.
- Additionally, funds may be used for:
 - A. The coordination of consolidated programs;
 - B. The establishment and operation of peer-review mechanisms;
 - C. Admin and State-activities under Title VIII;
 - D. The dissemination of information regarding model programs and practices;
 - E. Technical assistance;
 - F. Training personnel engaged in audit and other monitoring activities;
 - G. Implementation of the Cooperative Audit Resolution and Oversight Initiative;
 - H. Implementation of fiscal support teams.

Prerequisites

- LEAs: Need approval from SEA; SEA must set % cap for administration, OR use “necessary and reasonable amount”
- SEAs: Need to demonstrate that majority of operating expenses come from non-federal sources

Title V – Transferability

Sec. 5103

Now allows SEAs or LEAs to transfer all of their funds under:

- Title IIA (Professional Development),
- Title IVA (Student Support), or
- Sec. 4204(c)(3) (Awards for Youth Development Programs – State only),

Between those provisions, and into (but not out of):

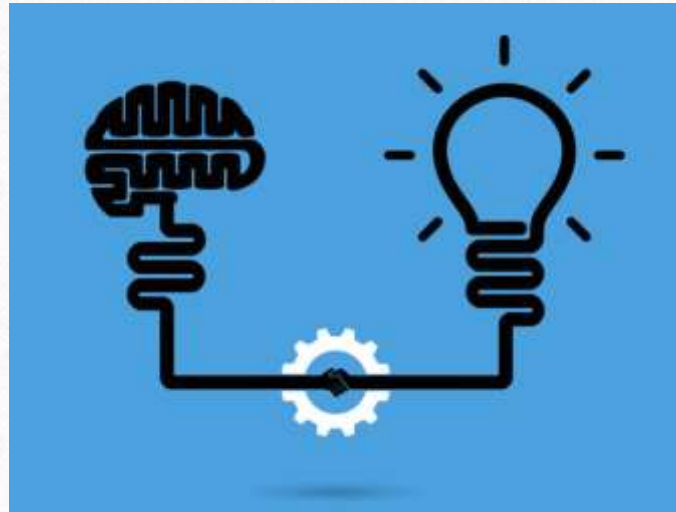
- Title I Part A (Academic Disadvantaged),
- Title, I, Part C (Migrant),
- Title I, Part D (Neglected and Delinquent),
- Title III, Part A (English Learners), or
- Title V, Part B (Rural Education).

Title VIII Secretarial Prohibitions

- Strictly prohibits Secretary from doing anything to:
 - Require/incentivize certain standards or assessments, instructional content, programs of instruction, curricula, etc..
 - Deny approval of State plans without good reason
 - Deny approval of waivers without good reason
 - Set new criteria through regulation or requiring adoption of certain policies in exchange for flexibility or approval of State plans
 - Specify additional pieces of accountability system
 - Endorse a specific curriculum or develop a federally sponsored assessment

Innovative Assessment Pilot

- Initial Notice Inviting Applications released January 2018
- Louisiana is first State to pursue as of July 30, 2018



Questions?!



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